

REMARKS/ ARGUMENTS

The foregoing amendment and the following arguments are provided to impart precision to the claims, by more particularly pointing out the invention, rather than to avoid prior art.

35 U.S.C. § 102(b) Rejections

Examiner rejected claims 1, 4 - 6, 9, and 12 - 13 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,389,738 (hereinafter "Piosenka").

To anticipate a claims, the reference must teach every element of the claim. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (Manual of Patent Examining Procedures (MPEP) ¶ 2131.)

Applicant's independent claims include limitations not disclosed nor suggested by Piosenka. Therefore, applicant's independent claims are not anticipated by Piosenka.

In particular, applicant's independent claims 1, 5, 9, and 12, include the limitation, or limitation similar thereto, of:

a capacitor formed with a dielectric including the dielectric encasing elements of the circuit;

a detector to detect changes in the capacitance of the capacitor;

approximately parallel conductors located proximate to circuit elements to protect from tampering; and
a comparator to compare a reference voltage with a voltage at a node of the capacitor. (Applicant's claim 1 as amended herein.)

Piosenka does not disclose nor suggest a capacitor formed with a dielectric encasing element of the circuit; a detector to detect changes in the capacitance of the capacitor; and a comparator to compare a reference voltage with a voltage at a node of the capacitor, as is claimed by applicant. Therefore, considering applicant's independent claims include limitations that are not disclosed nor suggested by Piosenka, applicant's independent claims are not anticipated by Piosenka.

Furthermore, the remaining claims that were also rejected as being anticipated by Piosenka, depend from one of the independent claims discussed above and therefore also include the distinguishing claim limitations. As a result, the remaining claims are also not anticipated by Piosenka.

CONCLUSION

Applicants respectfully submit the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call John Ward at (408) 720-8300, x237.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

A handwritten signature in black ink, appearing to read 'John P. Ward', is written over a horizontal line.

Date: 08/06/2004

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